

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26951-27000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 15, 1937]

26951. Misbranding of Bromo-Foam. U. S. v. Chancey A. Jones (Bromo-Foam Co.). Plea of nolo contendere. Fine, \$50 and sentence of imprisonment for 1 year; sentence of imprisonment suspended and defendant placed on probation for 5 years on payment of fine. (F. & D. no. 31345. Sample no. 40801-A.)

This case involved an interstate shipment of an article, labeled "Bromo-Foam", the package and the label on the containers of which bore and contained false and fraudulent curative and therapeutic claims and a false and misleading representation that the active ingredients of the article were bromides.

On February 5, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chancey A. Jones, trading as the Bromo-Foam Co., Tiffin, Ohio, charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 20, 1933, from the State of Ohio into the State of Indiana of a quantity of Bromo-Foam that was misbranded.

Analysis of the article showed that it consisted essentially of sodium bicarbonate (65 percent), sodium chloride (3.87 percent), sodium salicylate (3.44 percent), sodium bromide (2.90 percent), caffeine (0.51 percent), and citric acid, flavored with oil of peppermint.

The article, contained in 24 tubes all enclosed in a carton, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the tube labels, carton, an accompanying display carton, and display strip, falsely and fraudulently represented that it would be effective to promote real health; effective as a treatment, remedy, and cure for exhaustion, indigestion, ailments of the head and stomach, and sick stomach; effective as a relief for headache due to any nervous or mental strain, stomach disorders caused by eating, biliousness, and indigestion; and effective as a neutralizing agent. The article was alleged to be misbranded in that the statement "Bromo-Foam", borne on the tube labels, carton, accompanying display carton, and display strip, was false and misleading in that it represented that the active ingredients of the article consisted of bromides; whereas in fact the active ingredients of the article did not consist of bromides.

On January 21, 1937, the defendant entered a plea of nolo contendere; and the court imposed a fine of \$50 and a sentence of imprisonment for 1 year, but suspended the sentence of imprisonment and placed the defendant on probation for 5 years on payment of the fine.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26952. Misbranding of Eczematone and Eczematone Ointment. U. S. v. 92 Bottles and 1 Jug of Eczematone. Tried to the court. Judgment of condemnation and destruction; product released under bond. U. S. v. 55 Jars of Eczematone Ointment and 115 Bottles of Eczematone. Consent decree of condemnation; products released under bond. (F. & D. nos. 32254, 32255, 32256. Sample nos. 61552-A, 61555-A, 61558-A.)

The labels of these products bore false and fraudulent representations regarding their curative and therapeutic effects.

On March 10, 1934, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 207 bottles of various sizes and